

# Senate Amendment 3079

PAG LIN

1 1 Amend Senate File 390 as follows:  
1 2 #1. Page 1, by striking lines 3 and 4 and  
1 3 inserting the following:  
1 4 <422.11J ~~WIND ENERGY PRODUCTION TAX CREDIT CREDITS~~  
1 5 ~~FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.~~>  
1 6 #2. Page 1, by striking lines 7 and 8 and  
1 7 inserting the following: <a wind energy production  
1 8 tax credit credits for wind energy production allowed  
1 9 under chapter 476B and for renewable energy allowed  
1 10 under chapter 476C.>  
1 11 #3. Page 1, by striking lines 12 and 13 and  
1 12 inserting the following: <by a wind energy production  
1 13 tax credit credits for wind energy production allowed  
1 14 under chapter 476B and for renewable energy allowed  
1 15 under chapter 476C.>  
1 16 #4. Page 1, by striking lines 17 and 18 and  
1 17 inserting the following: <by a wind energy production  
1 18 tax credit credits for wind energy production allowed  
1 19 under chapter 476B and for renewable energy allowed  
1 20 under chapter 476C.>  
1 21 #5. Page 1, line 21, by striking the words  
1 22 <purchaser of renewable energy> and inserting the  
1 23 following: <person in possession of a renewable  
1 24 energy tax credit certificate issued pursuant to  
1 25 chapter 476C>.  
1 26 #6. Page 1, by striking lines 23 through 26 and  
1 27 inserting the following: <tax imposed and paid upon  
1 28 purchases made by the applicant.>  
1 29 #7. By striking page 1, line 29 through page 2,  
1 30 line 5, and inserting the following:  
1 31 <(1) On forms furnished by the department and  
1 32 filed by January 31 after the end of the calendar year  
1 33 in which the tax credit certificate is to be applied,  
1 34 the applicant shall report to the department the total  
1 35 amount of sales and use tax paid during the reporting  
1 36 period on purchases made by the applicant.  
1 37 (2) The applicant shall separately list the  
1 38 amounts of sales and use tax paid during the reporting  
1 39 period.  
1 40 (3) If required by the department, the applicant  
1 41 shall prove that the person making the sales>.  
1 42 #8. Page 2, by striking lines 10 and 11 and  
1 43 inserting the following:  
1 44 <(4) The applicant shall provide the tax credit  
1 45 certificates issued pursuant to>.  
1 46 #9. Page 2, line 16, by striking the words  
1 47 <purchaser of renewable energy> and inserting the  
1 48 following: <applicant>.  
1 49 #10. Page 2, by striking lines 21 through 25 and  
1 50 inserting the following:  
2 1 <432.12E ~~WIND ENERGY PRODUCTION TAX CREDIT CREDITS~~  
2 2 ~~FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.~~  
2 3 The taxes imposed under this chapter shall be  
2 4 reduced by a wind energy production tax credit credits  
2 5 for wind energy production allowed under chapter 476B  
2 6 and for renewable energy allowed under chapter 476C.>  
2 7 #11. Page 2, by striking lines 26 through 29.  
2 8 #12. Page 2, line 32, by inserting after the word  
2 9 <person> the following: <in possession of a renewable  
2 10 energy tax credit certificate issued pursuant to  
2 11 chapter 476C>.  
2 12 #13. Page 4, line 25, by striking the word <five>  
2 13 and inserting the following: <two and one-half>.  
2 14 #14. Page 5, line 2, by striking the words <for  
2 15 commercial purposes>.  
2 16 #15. Page 5, line 20, by inserting after the word  
2 17 <fuel,> the following: <methane gas or other biogas  
2 18 used to generate electricity,>.  
2 19 #16. Page 5, line 30, by inserting after the word  
2 20 <A> the following: <producer or>.  
2 21 #17. Page 5, line 34, by inserting after the word  
2 22 <purpose,> the following: <or four dollars and fifty  
2 23 cents per million British thermal units of methane gas  
2 24 or other biogas used to generate electricity,>.

2 25 [#18](#). Page 6, line 3, by striking the word  
2 26 <purchase>.  
2 27 [#19](#). Page 6, line 5, by inserting after the word  
2 28 <purpose,> the following: <British thermal unit of  
2 29 methane gas or other biogas used to generate  
2 30 electricity,>.  
2 31 [#20](#). Page 6, line 28, by inserting after the word  
2 32 <fuel,> the following: <methane or other biogas,>.  
2 33 [#21](#). Page 6, line 29, by inserting after the word  
2 34 <purpose> the following: <which shall designate  
2 35 either the producer or purchaser of renewable energy  
2 36 as eligible to apply for the renewable energy tax  
2 37 credit>.  
2 38 [#22](#). Page 6, line 35, by striking the words  
2 39 <fifteen working> and inserting the following:  
2 40 <thirty>.  
2 41 [#23](#). Page 7, line 3, by striking the words  
2 42 <fifteen working> and inserting the following:  
2 43 <thirty>.  
2 44 [#24](#). Page 7, line 6, by striking the words  
2 45 <fifteen working> and inserting the following:  
2 46 <thirty>.  
2 47 [#25](#). Page 7, line 8, by inserting after the word  
2 48 <final.> the following: <If the application is  
2 49 incomplete, the board may grant an extension of time  
2 50 for the provision of additional information.>  
3 1 [#26](#). Page 7, by inserting after line 21 the  
3 2 following:  
3 3 <5. An owner meeting the requirements of section  
3 4 476C.1, subsection 6, paragraph "b" shall not be an  
3 5 owner of more than two eligible renewable energy  
3 6 facilities.>  
3 7 [#27](#). Page 7, line 24, by inserting after the word  
3 8 <A> the following: <producer or>.  
3 9 [#28](#). Page 7, line 25, by striking the word  
3 10 <department> and inserting the following: <board>.  
3 11 [#29](#). Page 7, line 25, by striking the word  
3 12 <purchase>.  
3 13 [#30](#). Page 7, line 26, by striking the word  
3 14 <department> and inserting the following: <board>.  
3 15 [#31](#). Page 7, line 28, by striking the word  
3 16 <department> and inserting the following: <board>.  
3 17 [#32](#). Page 7, line 33, by inserting after the word  
3 18 <fuel,> the following: <methane or other biogas,>.  
3 19 [#33](#). Page 7, line 35, by inserting after the word  
3 20 <facility> the following: <which shall designate  
3 21 either the producer or purchaser of renewable energy  
3 22 as eligible to apply for the renewable energy tax  
3 23 credit>.  
3 24 [#34](#). Page 8, line 1, by striking the word <energy>  
3 25 and inserting the following: <electricity, heat for a  
3 26 commercial purpose, methane gas or other biogas, or  
3 27 hydrogen fuel>.  
3 28 [#35](#). Page 8, by striking lines 3 and 4 and  
3 29 inserting the following: <to the purchaser of  
3 30 renewable energy.>  
3 31 [#36](#). Page 8, line 5, by striking the word  
3 32 <department> and inserting the following: <board>.  
3 33 [#37](#). Page 8, line 6, by inserting after the figure  
3 34 <2.> the following: <The board shall notify the  
3 35 department of the amount of kilowatt=hours, British  
3 36 thermal units of heat for a commercial purpose,  
3 37 British thermal units of methane gas or other biogas  
3 38 used to generate electricity, or standard cubic feet  
3 39 of hydrogen fuel generated and purchased from an  
3 40 eligible renewable energy facility.>  
3 41 [#38](#). Page 8, line 6, by striking the word  
3 42 <determine> and inserting the following: <calculate>.  
3 43 [#39](#). Page 8, by striking lines 9 through 13 and  
3 44 inserting the following: <in writing of its refusal  
3 45 to do so. An applicant whose application is denied  
3 46 may>.  
3 47 [#40](#). Page 8, line 14, by striking the words  
3 48 <fifteen working> and inserting the following:  
3 49 <sixty>.  
3 50 [#41](#). Page 8, line 18, by striking the word  
4 1 <purchaser's> and inserting the following: <person's>.  
4 2 [#42](#). Page 8, by striking lines 20 through 22 and  
4 3 inserting the following: <may be used, the type of  
4 4 tax to which the tax credits shall be applied, and any  
4 5 other information required by the>.

4 6 [#43](#). Page 8, line 23, by inserting after the word  
4 7 <department.> the following: <The tax credit  
4 8 certificate shall only list one type of tax to which  
4 9 the amount of the tax credit may be applied.>  
4 10 [#44](#). Page 8, line 28, by inserting after the word  
4 11 <beneficiaries,> the following: <for the taxes  
4 12 imposed under chapter 422, division II or III,>.  
4 13 [#45](#). Page 8, by striking line 29 and inserting the  
4 14 following: <credit certificate shall be>.  
4 15 [#46](#). Page 8, line 31, by striking the word  
4 16 <purchaser> and inserting the following: <applicant>.  
4 17 [#47](#). Page 8, by striking lines 32 through 34 and  
4 18 inserting the following: <of such entity. The  
4 19 applicant shall, in the application made>.  
4 20 [#48](#). Page 9, line 2, by inserting after the word  
4 21 <beneficiary.> the following: <If the tax credit  
4 22 application is filed by a partnership, limited  
4 23 liability company, S corporation, estate, trust, or  
4 24 other reporting entity, all of whose income is taxed  
4 25 directly to its equity holders or beneficiaries for  
4 26 the taxes imposed under chapter 422, division V, or  
4 27 under chapter 423, 432, or 437A, the tax credit  
4 28 certificate shall be issued directly to the  
4 29 partnership, limited liability company, S corporation,  
4 30 estate, trust, or other reporting entity.>  
4 31 [#49](#). Page 9, by inserting after line 6 the  
4 32 following:  
4 33 <6. The department shall not issue a tax credit  
4 34 certificate to any person who has received a tax  
4 35 credit pursuant to chapter 476B.  
4 36 7. Once a tax credit certificate is issued  
4 37 pursuant to this section, the tax credit may only be  
4 38 claimed against the type of tax reflected on the  
4 39 certificate.>  
4 40 [#50](#). Page 9, line 9, by inserting after the word  
4 41 <A> the following: <producer or>.  
4 42 [#51](#). Page 9, lines 12 and 13, by striking the  
4 43 words <to a purchaser>.  
4 44 [#52](#). Page 9, line 14, by inserting after the word  
4 45 <fuel,> the following: <methane gas or other biogas  
4 46 used to generate electricity,>.  
4 47 [#53](#). Page 9, by striking line 16 and inserting the  
4 48 following: <facility for which a tax credit is issued  
4 49 under>.  
4 50 [#54](#). Page 9, line 22, by striking the word  
5 1 <purchase>.  
5 2 [#55](#). Page 9, by striking lines 25 through 29 and  
5 3 inserting the following: <However, for purposes of  
5 4 this transfer provision, a decision between a producer  
5 5 and purchaser of renewable energy regarding who claims  
5 6 the tax credit issued pursuant to this chapter shall  
5 7 not be considered a transfer and must be set forth in  
5 8 the application for the tax credit pursuant to section  
5 9 476C.4. Within thirty days of transfer, the>.  
5 10 [#56](#). Page 10, line 11, by inserting after the word  
5 11 <issued.> the following: <The replacement tax credit  
5 12 certificate may reflect a different type of tax than  
5 13 the type of tax noted on the original tax credit  
5 14 certificate.>  
5 15 [#57](#). Page 10, by striking line 14 and inserting  
5 16 the following: <II, III, and V, and chapter 432 for>.  
5 17 [#58](#). Page 10, line 16, by inserting after the word  
5 18 <credit.> the following: <The transferee may claim a  
5 19 refund under chapter 423 or 437A for any tax year  
5 20 within the time period set forth in section 423.47 or  
5 21 437A.14 for which the original transferor could have  
5 22 claimed the refund.>  
5 23 [#59](#). Page 10, line 21, by striking the word  
5 24 <purchase>.  
5 25 [#60](#). Page 10, line 25, by inserting after the  
5 26 figure <4> the following: <, or if used against taxes  
5 27 imposed under chapter 437A, the taxpayer shall comply  
5 28 with section 437A.17B>.  
5 29 [#61](#). Page 10, line 35, by striking the words  
5 30 <future years; however,> and inserting the following:  
5 31 <the following seven tax years or until the credit is  
5 32 depleted, whichever is earlier. If the tax credit is  
5 33 applied against the taxes imposed under chapter 423 or  
5 34 437A, any credit in excess of the taxpayer's tax  
5 35 liability is carried over and can be filed with the  
5 36 refund claim for the following seven tax years or

5 37 until depleted, whichever is earlier. However,>.  
5 38 #62. Page 11, by striking line 17.  
5 39 #63. By renumbering as necessary.  
5 40  
5 41  
5 42  
5 43 DAVID MILLER  
5 44  
5 45  
5 46  
5 47 JOE BOLKCOM  
5 48 SF 390.1  
5 49 kk/cc/26